IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7627 OF 2005

Anita A. Waghmare & others Applicants

versus

State of Maharashtra Respondent

Mr.S.V.Marwadi for applicants.

Mr.K.V.Saste, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 28th November 2005

PC :

1. Heard Shri Marwadi for the applicants and Shri Saste for the respondents. Perused the application and the annexures thereto including the order passed by learned Sessions Judge on the anticipatory bail application.

2. Without going into rival contentions, in my view, interest of justice would be served if the anticipatory bail application preferred by the applicants before the Sessions Court is restored to its file. The Sessions Court is directed to hear and dispose of the same in accordance with

law within a period of two weeks from today. This order is passed because I find much substance in the contentions of Shri Marwadi that as far as some of the applicants are concerned, their role in the alleged incident has not been considered. Moreso, when some of them had reached the place of residence of the applicant no.3 for the marriage of applicant no.4. The learned Sessions Judge does not appear to have dealt with these submissions although it was a composite application.

3. Therefore, the application for anticipatory bail before the Sessions Court being Criminal Miscellaneous Application No.710 of 2005 is restored to the file of Sessions Judge. The learned Sessions Judge shall dispose of the same as directed above. The learned Sessions Judge to dispose of the same on merits without being influenced by any observations made hereinabove, and the interim direction granted by this Court. The interim direction granted on 23rd November 2005 to continue till disposal of the anticipatory bail application. The applicants shall remain present before the Sessions Court on Thursday, the 1st December 2005 at 11.00 a.m.. In the mean while the applicants shall attend the

Police Station as and when summoned. The applicants shall also abide by all conditions as stipulated in clauses (i) to (iii) of sub section (2) of Section 437 of Code of Criminal Procedure, 1973.

(S.C.DHARMADHIKARI, J.)